IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 331 OF 2005

Village Panchayat of Sancoale,
represented through its Sarpanch,
Shri Premanand P. Naik, major
of age, Indian National, r/o
House No.261, Mayer Vaddo,
Sancoale, Salcete, Goa. ... Petitioner.

Versus

1. M/s. Zuari Indian Oil
Tanking Limited, a company
registered under the
Companies Act 19 (Act of 1956),
having office at Jaikisan Bhavan,
Zuarinagar- Goa, represented
herein by its Managing Director,
Shri E.P. Esteves, and

2. Additional Director of Panchayat,
Junta House, 18th June
Road, Panaji - Goa. ... Respondents.

Mr. J. Godinho, advocate for the petitioner.

Mr. A. M. Setalvad, Senior Advocate with Mr. Gaurav Joshi and Mr. M. S. Sonak, advocates for the respondent no.1.

Ms. S. Linhares, Additional Government Advocate for the respondent no.2.

CORAM : R. M. LODHA, J.

DATE : 28th September, 2005.

ORAL JUDGMENT

The Writ Petition has been posted today under the caption "for orders" high on board. At the request of the learned Senior Counsel and the learned counsel appearing for the parties, the Writ Petition itself was taken up for hearing.

2. The learned Senior Counsel for the respondent no.1 submitted that the respondent no.1 is not averse to the fresh consideration of their applications for construction licence for additional tanks for storing petroleum products by the petitioner, (the Village Panchayat of Sancoale). He, therefore, submitted that without going into the merits of the orders passed by in Panchayat Appeal No.77/2005 dated 4th August, 2005 and Panchayat Appeal No.8/2005 dated 25th May, 2005, the said orders be set aside and the applications made by the respondent no.1 on 22nd November, 2004 and 26th May, 2005, be directed to be considered afresh by the petitioner- Village Panchayat.

3. The learned counsel for the petitioner did not have nor could have any serious objection to the reasonable submission made by the learned Senior Counsel for the respondent no.1.

4. I am, therefore, satisfied that the merits of the diverse contentions raised in the Writ Petition concerning the impugned Orders need not be examined and the interest of justice would be sub-served if the impugned Orders are set aside and the applications made by the respondent no.1 for consideration of the licence for construction of additional tanks for storage of petroleum products are re-considered by the petitioner Village Panchayat objectively and in accordance with law.

5. Consequently, Rule is disposed of by the following Order:-

(i) The Order dated 25th May, 2005 passed in Panchayat Appeal No.8/2005 is quashed and set aside;

(ii) The Order dated 4th August, 2005 passed in Panchayat Appeal No.77/2005 is quashed and set aside;

(iii) The applications dated 22nd November, 2004 and 26th May, 2005, made by the respondent no.1. to the said Village Panchayat for construction licence for additional tanks for storage of petroleum products shall be considered by the said Village Panchayat in accordance with law uninfluenced by the earlier orders;

(iv) If the petitioner- Village Panchayat is of the opinion that the applications made by the respondent no.1 suffer from defects/objections, such defects/objections shall be intimated to the respondent no.1 within two weeks from today.

(v) The respondent no.1 shall respond to the said defects/objections within two weeks therefrom;

(vi) The petitioner- Village Panchayat shall then consider the matter and take appropriate decision thereon expeditiously but in no case less than two weeks from the date of receipt of reply from the respondent no.1 to the defect/objections pointed out by the petitioner Village Panchayat; and

(vii) No costs.

The parties may be provided with ordinary copy of this Order duly authenticated by th Court Sheristedar on payment of usual copyingcharges.

R. M LODHA, J.

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